

Understanding Estate Administration

When a family member or other loved one passes away, it can be a very difficult time. In addition to the emotional toll, there is the often complicated task of dealing with the deceased's financial affairs. At Parsons Law, we aim to ease the burden of this process by providing expert guidance and assistance to executors with all of the necessary steps that must be taken.

The first issue which determines how matters will proceed is whether the deceased died with a will or without a will.

If the deceased died with a will, then the will appoints the individual who will manage and distribute the deceased person's assets. This individual is called an *executor*. Although the executor derives their legal authority to act in this role from the will itself, many third party institutions, such as banks and the land registry office for example, will not allow an executor to deal with a deceased person's assets until the will has been *probated*. *Probate* refers to the process in which the executor submits the will along with some application materials to an estate Court, and if satisfactory, the Court issues what is called a Certificate of Appointment of Estate Trustee With a Will. After this certificate is issued by the Court, the executor (also known as the Estate Trustee) will be permitted by any institution to deal with the assets of the deceased – including all bank accounts, investments or real estate properties.

If the deceased died without a will, then there is no appointed executor. In such circumstances, a suitable individual will need to volunteer to perform this role, but most institutions will not allow them to deal with the deceased's assets until they are appointed as Estate Trustee by a Court. This appointment is obtained through a court application process that results in the issuance of a Certificate of Appointment of Estate Trustee Without a Will. Once this certificate is issued by the Court, the appointed Estate Trustee will then be permitted by any institution to deal with the deceased's assets in the same manner as described above where there is a will.

Whether or not there is a will, the process to obtain a Certificate of Appointment of Estate Trustee can be complicated and difficult to navigate without effective legal assistance. After the Certificate of Appointment of Estate Trustee is obtained, there remains the task of paying debts and taxes owed by the deceased, and distributing the deceased's assets to beneficiaries. At Parsons Law, we have extensive experience in preparing the above forms of applications as well as assisting estate trustees with the management of assets and eventual distribution to beneficiaries.

Please contact Kent Parsons to discuss your estate administration matter.



Parsons Law is a client-centered law practice specializing in estate administration and residential real estate transactions.